IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

MACA.No. 929 of 2006(A)

OPMV.469/03 MOTOR ACCIDENT CLAIMS TRIBUNAL, MANJERI.

APPELLANTS/PETITIONERS
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1. SIVASANKARAN, S/O.APPU NAIR, MUNDAPURATH VEEDU, (PO) ERANHIMANGAD, MALAPPURAM DISTRICT, (FATHER OF THE DECEASED).

2. NALINI, W/O.SIVASANKARAN, MUNDAPURATH VEEDU, (PO) ERANHIMANGAD, MALAPPURAM DISTRICT, (WIFE OF THE DECEASED).

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: 3RD RESPONDENT

THE NEW INDIA ASSURANCE COMPANY LTD., CATHOLIC CENTRE, UPHILL, MALAPPURAM. (RESPONDENTS 1 AND 2 BEFORE THE TRIBUNAL ARE NOT MADE PARTIES IN THIS APPEAL, SINCE NO RELIEF IS CLAIMED AGAINST THEM).

BY ADV. SRI.P.G.GANAPPAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

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M.A.C.A. NO. 929 OF 2006

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Dated this the 11th day of January, 2007.

J U D G M E N T

Krishnan,J.

This is an appeal preferred against the award of the Motor Accidents Claims Tribunal, Manjeri in O.P.(MV) 469/03. The claimants are the parents of a deceased who died in a road accident. He was employed as a driver of an Advocate and was aged 26 years at the time of the accident. The Tribunal awarded him a compensation of Rs.2,18,500/-. It is against that decision, the present appeal is filed.

2. The Insurance Company has also entered appearance. Heard both sides. On a perusal of the award it is seen that the only son of the parents died at an young age who was the sole bread winner, had lost his life. The learned counsel for the appellant submits that as other children are daughters, the death of only son caused vacuum, that aspect as well also has to be considered. No amount is seen granted towards compensation for love and affection. So, we grant an amount of Rs.15,000/- under

that head. So far as other heads are concerned the Tribunal had given proper compensation and it does not require interference.

In the result, the M.A.C.A. is partly allowed and the claimants are awarded an additional compensation of Rs.15,000/- with 7% interest on the said sum from the date of petition till realisation and the Insurance Company is directed to deposit the same within a period of two months from the date of receipt of a copy of this judgment.

K.S. RADHAKRISHNAN, JUDGE.

M.N. KRISHNAN, JUDGE.

ul/-